

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**Richard Burrows,**

**Plaintiff,**

**- against -**

**Restaurant Associates, Inc.,**

**Defendant.**  
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] ] **07 Civ. 091()**  
] ]  
] ] **Complaint and Demand for**  
] ] **Jury Trial**  
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Plaintiff, by his attorney, Michael G. O'Neill, states for his complaint as follows:

1. This is an action arising out of defendant's breach of the Family Medical Leave Act, 29 U.S.C. §2601 et seq.
2. This Court has jurisdiction over the subject matter of this lawsuit by virtue of 29 U.S.C. §2617, 28 U.S.C. §1331 and 28 U.S.C. §1343.
3. Venue is properly laid in the Southern District of New York because defendant is a resident of the Southern District.
4. Plaintiff is an individual and resides in the State of New York.
5. Before about February 17, 2005, plaintiff was employed by the defendant as an Executive Dining Room Waiter.
6. During all relevant times, plaintiff was an "eligible employee" within the meaning of 29 U.S.C. §2611(2).
7. During all relevant times, defendant was an "employer" within the meaning of 29 U.S.C. §2611(4).

8. In early January, 2005, plaintiff requested leave under the Family Medical Leave Act in order to care for his 86 year old mother.

9. Plaintiff was entitled to such leave, and on or about January 11, 2005, defendant approved such leave for plaintiff.

10. Plaintiff's approved leave began January 25, 2005 and ended February 24, 2005.

11. On about February 17, 2005, plaintiff phone defendant to confirm his return to work at the end of his leave. On that date, plaintiff was informed that he had been terminated by defendant and could not return to work.

### **First Claim**

12. Defendant violated 29 U.S.C. §2615(a) by interfering with plaintiff's exercise of his rights under the Family Medical Leave Act.

WHEREFORE, plaintiff requests the following relief:

- a) A money judgment against defendants for all damages, economic, compensatory and otherwise, caused by the complained of actions of the defendants,;
- b) Reinstatement or front pay;
- c) Punitive Damages;
- d) A statutory attorneys' fee and a judicial award of attorney's fees;
- e) Prejudgment interest, costs and expenses; and

f) such other and further relief as this Court may deem just, meet and proper under the circumstances.

Dated: New York, New York  
December 1, 2006

MICHAEL G. O'NEILL  
(MO3957)

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Attorney for Plaintiff  
30 Vesey Street, Third Floor  
New York, New York 10007  
(212) 581-0990

**JURY DEMAND**

Plaintiff demands trial by jury in this action.

Dated: New York, New York  
December 1, 2006

MICHAEL G. O'NEILL  
(MO3957)

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Attorney for Plaintiff  
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